

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-29281 - APPLICANT/OWNER: ANNE AND KENNY WONG

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan and landscape plan, date stamped 03/17/09, and building elevations, date stamped 07/29/08, except as amended by conditions herein.
3. A Waiver from Title 19.12.040 Perimeter Landscape Buffering is hereby approved, to allow buffers of one-foot along the west perimeter where 15 feet is required; zero feet along the east perimeter where eight feet is required; one foot along the north perimeter where five feet is required; and zero feet along the south perimeter where five feet is required.
4. Exceptions from Title 19.10.010 and 19.12.040 are hereby approved, to allow zero trees in perimeter landscape buffers along the north and west perimeters where the buffer width is approximately one-foot.
5. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect a parking area meeting the minimum dimensional requirements of Title 19.10, including drive aisles of at least 24' width, standard parking spaces of nine feet by 18 feet, and a van accessible handicap parking space of 22 feet by 18 feet. Landscape areas shall be clearly and accurately denoted on the plan.
6. The existing block wall along the east perimeter, adjacent to residential property, shall be raised or replaced to provide a minimum six-foot high wall meeting all Title 19.12.075 requirements.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: 24-inch box size trees and four, 5-gallon shrubs for each required tree in existing planter areas as follows: in the southeast corner planter, one tree and four shrubs; in the northeast planter, three trees and 12 shrubs; and in the northwest planter area, two trees and eight shrubs shall be required.
8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
16. Provide a copy of a perpetual irrevocable recorded Joint Access Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for the conversion of an existing 1,038 square-foot residence into an office with Waivers of the perimeter landscape buffer standards to allow buffers of one foot along the west perimeter where 15 feet is required; zero feet along the east perimeter where eight feet is required; one foot along the north perimeter where five feet is required; and zero feet along the south perimeter where five feet is required on 0.10 acres at 1413 South Eastern Avenue. An Exception has been requested to allow no trees in the west and north perimeter buffer areas where the one-foot width of the buffer is too narrow to accommodate a 24-inch box size tree. An associated request for Rezoning (ZON-29221) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) has also been submitted. The extensive requests for Waivers and an Exception indicate that the site, in its current configuration, is not physically suitable for the increased intensity of the proposed use, and will not be compatible with the adjacent residential property to the east; therefore, staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/21/05	A Code Enforcement citation (#29080) was issued at 1413 South Eastern Avenue for performing building and plumbing improvement without a building permit or a licensed contractor. The case was resolved 11/08/05.
04/22/05	A Code Enforcement citation (#29119) was issued at 1413 South Eastern Avenue for high weeds and grass. The case was resolved 05/05/05.
06/07/06	The City Council approved a Rezoning (ZON-12130) from R-1 (Single Family Residential) to P-R (Professional Offices and Parking) on 0.10 acres at 1413 South Eastern Avenue. The Planning Commission and staff recommended approval of this request. The Rezoning was never exercised, and the Resolution of Intent expired on 06/07/08.
08/10/06	A Code Enforcement citation (#44957) was issued at 1413 South Eastern Avenue for graffiti, high weeds and debris. The case was resolved 08/28/06.
04/20/07	A Code Enforcement citation (#52368) was issued at 1413 South Eastern Avenue for graffiti on the side of the building. The case was resolved 05/03/07.
12/24/07	A Code Enforcement citation (#60784) was issued at 1413 South Eastern Avenue for someone living/sleeping inside a commercial business and onsite graffiti. The case was resolved 01/07/08.

03/26/08	A Code Enforcement citation (#63851) was issued at 1413 South Eastern Avenue for signage code violations, including non-permitted banners wrapped around multiple faces of the building. The case was resolved 05/27/08.
06/13/08	A Code Enforcement citation (#66565) was issued at 1413 South Eastern for running a business from an R-1 (Single Family Residential) zoned property. The business was given 30 days to cease and vacate the premises. The case was resolved 07/10/08.
04/09/09	The Planning Commission recommended denial of companion item ZON-29221 concurrently with this application. The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #36/ng).
<i>Related Building Permits/Business Licenses</i>	
12/29/06	A business license applications was submitted for an Astrologer (#A12-99881) at 1413 South Eastern Avenue. A license was not issued, and the application was marked out on 11/29/08.
01/11/07	A business license applications was submitted for a Psychic Arts business (#A24-99882) at 1413 South Eastern Avenue. A license was not issued, and the application was marked out on 02/23/09.
05/12/07	A business license application (#M18-93261) for a Land Marketing company was received. The application was denied pending approval of a Site Development Plan Review for the site; it was marked out on 06/30/08.
<i>Pre-Application Meeting</i>	
07/10/08	A pre-application meeting was held to discuss the application submittal requirements for a Rezoning and Site Development Plan Review.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held for this application request.	
<i>Field Check</i>	
03/05/09	A field check was conducted by staff. The site has a vacant building with graffiti on it, and landscape areas were overgrown with weeds. Discrepancies were noted between actual site conditions and the plans submitted by the applicant.
03/11/09	An additional field check was conducted by staff to verify existing site conditions and dimensions due to discrepancies noted on submitted plans.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.10 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	O (Office)	R-1 (Single Family Residential)
North	Office	O (Office)	P-R (Professional Office and Parking)

South	Office	O (Office)	P-R (Professional Office and Parking)
East	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
West	Office	O (Office)	P-R (Professional Office and Parking)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	4,732 SF	Y
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Front	20	5 Feet	Y*
• Side	5	6 Feet	Y
• Corner	15	N/A	N/A
• Rear	15	45 Feet	Y
Max. Lot Coverage	50%	22%	Y
Max. Building Height	Lesser of 2 stories or 35 feet	1 Story / 12 Feet	Y
Trash Enclosure	Roofed, gated	None	Y**
Mech. Equipment	Screened	Screened (Existing)	Y***

**A portion of the original lot area was taken for the widening of Eastern Avenue, resulting in a lot with a front yard setback of approximately 5 feet. Per Title 19.08.030(G), "No action by the City in connection with the acquisition or use of right-of-way or the installation of off-site improvements shall have the effect of rendering a previously conforming lot or structure non-conforming as to lot width, lot area, or setback requirements"; therefore, the existing lot and structure are legally conforming for the front yard setback.*

***No trash enclosure is proposed as the applicant intends to continue with curbside trash pickup, as confirmed by an email received from Republic Services on 12/03/08, and included in the file.*

****A condition has been added to require screening of any proposed mechanical equipment to comply with the minimum requirements of Title 19.08.*

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	One story / 15 Feet	12 feet	Y
Adjacent development matching setback	15 Feet	43 Feet	Y
Trash Enclosure	50 Feet from residential	None	Y

Pursuant to Title 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 6 Spaces	Zero Trees	Zero Trees	Y
Buffer (Min. Trees)				
North	1 Tree/30 Linear Feet	4 Trees	4 Trees	N*
South	1 Tree/30 Linear Feet	4 Trees	Zero Trees	N*
East	1 Tree/20 Linear Feet	4 Trees	3 Trees	N*
West	1 Tree/20 Linear Feet	4 Trees	Zero Trees	N*
TOTAL		16 Trees	7 Trees	N
Min. Zone Width				
North	5 Feet		One Foot	N*
South	5 Feet		Zero Feet	N*
East	8 Feet		Zero Feet	N*
West	15 Feet		One Foot	N*
Wall Height	6 to 8 Feet, when adjacent to residentially zoned property		4 Feet	N**

**The submitted site/landscape plan does not accurately reflect the dimensions of the parking surface and planter locations on-site. A condition has been added to require revised plans prior to the issuance of any permits for the site. A field check of the site indicates that Waivers of the perimeter landscape buffer standards are required to allow buffers of one-foot along the west perimeter where 15 feet is required; zero feet along the east perimeter where eight feet is required; one-foot along the north perimeter where five feet is required; and zero feet along the south perimeter where five feet is required. A condition has been added to require 24-inch box size trees and four, 5-gallon shrubs for each required tree in existing planter areas as follows: in the southeast corner planter, one tree and four shrubs; in the northeast planter, three trees and 12 shrubs; and in the northwest planter area, two trees and eight shrubs shall be required. An Exception has been requested to allow no trees in the west and north perimeter buffer areas where the one-foot width of the buffer is too narrow to accommodate a 24-inch box size tree.*

***The existing block wall along the east perimeter does not meet the minimum height of six feet required when adjacent to a residential property. A condition has been added to either raise or replace the existing wall to a height of at least six feet to comply with Title 19.12.075*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other Than Listed	1,038 SF	1:300	3	1	4	1	Y*
TOTAL			4		5		Y*

**The proposed parking spaces and drive aisle do not meet the minimum dimensional requirements of Title 19.10. A condition has been added to require that all spaces and drive aisles meet the minimum dimensional standards of Title 19.10.*

Waivers		
Request	Requirement	Staff Recommendation
A one-foot landscape buffer along the west perimeter.	15 Feet	Denial
A zero-foot landscape buffer along the east perimeter.	8 Feet	Denial
A one-foot landscape buffer along the north perimeter.	5 Feet	Denial
A zero-foot landscape buffer along the south perimeter.	5 Feet	Denial

Exceptions		
Request	Requirement	Staff Recommendation
Zero trees in the landscape buffer along the west and north perimeters.	One 24-inch box size tree per 20 linear feet.	Denial

ANALYSIS

This is a request for a Site Development Plan Review for the conversion of an existing 1,038 square-foot residence into an office with Waivers of the perimeter landscape buffer standards to allow buffers of one-foot along the west perimeter where 15 feet is required; zero feet along the east perimeter where eight feet is required; one-foot along the north perimeter where five feet is required; and zero feet along the south perimeter where five feet is required on 0.10 acres at 1413 South Eastern Avenue. An Exception has been requested to allow no trees in the west and north perimeter buffer areas where the one-foot width of the buffer is too narrow to accommodate a 24-inch box size tree. An associated request for Rezoning (ZON-29221) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) has also been submitted. A previous Rezoning (ZON-12130) to P-R (Professional Office and Parking) was approved for the site on 06/07/06, but a Site Development Plan Review to convert the property to a commercial

use was never completed as required by Condition of Approval number two, and the Resolution of Intent expired on 06/07/08 because it was not exercised. The extensive requests for Waivers and an Exception indicate that the site, in its current configuration, is not physically suitable for the increased intensity of the proposed use, and will not be compatible with the adjacent residential property to the east; therefore, staff is recommending denial of this request.

- **General Plan Designation and Zoning**

The subject site has an existing General Plan designation of O (Office), which provides for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices, as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

The subject site is currently zoned R-1 (Single Family Residential). An associated request for Rezoning (ZON-29221) to the P-R (Professional Office and Parking) district has also been submitted. The proposed P-R (Professional Office and Parking) district is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development should be constructed to maintain a residential character. The P-R (Professional Office and Parking) district is consistent with the O (Office) category of the General Plan.

- **Site Plan**

The submitted site plan depicts an existing 1,038 square-foot structure at the front of the site, with parking located at the rear. The layout of the site is correct on the site plan, but it does not accurately reflect the true dimensions of the parking area or existing planter areas, as verified by a field check of the site by staff on 03/11/09. The existing structure is located approximately 5.5 feet from the front property line, but pursuant to Title 19.08.030(G), it is considered a conforming structure for the required 20-foot front setback because a portion of the original lot was acquired for the widening of Eastern Avenue.

Parking for the subject site is located at the rear of the building, and accessed by an existing 17-foot driveway from Eastern Avenue. The driveway and parking area of the subject site, in their existing configuration, are not adequate for vehicular circulation to and from the site, as well as within the site itself. The driveway is not wide enough to accommodate two-way traffic, which could result in a back-up of traffic on Eastern Avenue if a vehicle could not enter the site due to another vehicle trying to exit the site at the same time; therefore, a condition of approval has been added by the Department of Public Works Division of Traffic Engineering to require joint access to the subject site with a neighboring property. Such joint

access cannot effectively reduce the parking provided on either the subject site or the neighboring site below the minimum number of parking spaces required by Title 19.04. The parking field is approximately 34 feet in width from east to west, which does not meet the minimum dimensional requirements of Title 19.10 for total width and will not provide the area needed for vehicular circulation within the site. A minimum width of 42 feet is required to accommodate a 24-foot wide drive aisle for two-way traffic and an 18-foot long standard parking space, which will result in the elimination of the five-foot landscape buffer depicted along the east perimeter. Even with the elimination of the landscape buffer, there will not be adequate space within the parking field or driveway for a vehicle to turn around and exit the site if there are no open parking spaces to facilitate the maneuver. A condition has been added to require that all parking spaces and drive aisles be revised to meet these minimum requirements.

- **Landscape Plan**

The landscape plan indicates that trees will be planted along the north and east perimeters at approximately 20 feet on-center, but does not indicate the size or type of tree to be used. In addition, the expansion of the parking area to accommodate on-site circulation will result in the elimination of the landscape area along the east perimeter. A condition has been added to require a revised landscape plan showing 24-inch box size trees and four, 5-gallon shrubs for each required tree in existing planter areas as follows: in the southeast corner planter, one tree and four shrubs; in the northeast planter, three trees and 12 shrubs; and in the northwest planter area, two trees and eight shrubs. The revised plan shall also include a legend indicating the size and type of planting materials, and an irrigation plan for the site.

The applicant is requesting Waivers of the Title 19.12.040 Perimeter Landscape Buffer standards to allow buffers of one-foot along the west perimeter where 15 feet is required; zero feet along the east perimeter where eight feet is required; one-foot along the north perimeter where five feet is required; and zero feet along the south perimeter where five feet is required. The Waivers are necessary due to existing site conditions, as well as the required expansion of the parking area. The applicant is also requesting an Exception to the landscape buffer planting requirements to allow no trees in the west and north perimeter buffer areas where the existing one-foot width of the buffer is too narrow to accommodate a 24-inch box size tree. The elimination of the buffer areas, combined with the elimination of planting materials, is not consistent with Objective 2.2 of the General Plan, which is “to ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impacts where feasible.” The buffer areas are designed to provide mitigation for adverse visual and aural impacts on the adjacent residential properties. Staff is recommending denial of these requests.

The existing block wall along the east perimeter is approximately four feet in height, and does not meet the minimum requirement for a six-foot wall adjacent to residential properties. A condition has been added to require that the existing wall be raised or replaced to provide a wall at least six feet in height, and to comply with all provisions of Title 19.12.075.

- **Elevations**

The submitted elevations indicate that the existing single-story residential structure will be retained, and converted for use as an office building. The structure has a yellow stucco finish, with a red tile roof.

- **Floor Plan**

The floor plan indicates that the existing 1,038 square-foot structure will have four offices, a restroom and a storage closet. There are two entrances to the building, one on the north side and one on the south side.

FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with the adjacent residential development in that the landscape buffer areas required to mitigate the adverse visual and aural impacts of the commercial site will not be provided.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with Objective 2.2 of the General Plan and does not comply with Title 19.08.050 Commercial Design standards.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site is accessed by an existing driveway to Eastern Avenue, designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will have no impact on adjacent neighborhood traffic as there is no direct access from the site into the adjacent residential neighborhood. Site circulation is not adequate for the proposed use as there is room for only one vehicle to enter or leave the site at any one time, and no way for a vehicle to turn around on the site if there are no open parking spaces. The Department of Public Works has added a condition for joint access with the property to the south to avoid the possibility of having vehicles waiting on Eastern Avenue to enter the site; any such agreement cannot effectively reduce the number of parking spaces provided on either site below the number of spaces required per Title 19.04.010, unless a Variance for reduced parking is obtained, pursuant to Title 19.18.070.

4. Building and landscape materials are appropriate for the area and for the City;

The building materials are appropriate for the area and for the city, and will retain the residential character of the site. Landscape materials, as conditioned, are appropriate for the area and the city.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The existing single-story residential structure will be retained, and converted for use as an office building. The structure is compatible with the development in the area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 423 by City Clerk

APPROVALS 0

PROTESTS 1